



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Donald J. Simon
Democracy 21
2000 Massachusetts Avenue, NW
Washington, DC 20036

OCT 11 2016

RE: MUR 6733

Dear Mr. Simon:

This is in reference to the complaint you filed with the Federal Election Commission on April 30, 2012, alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"). The Commission found that there was reason to believe Representative Aaron Schock violated 52 U.S.C. § 30125(e) of the Act. On October 6, 2016, the Commission accepted a conciliation agreement signed by the respondent and closed the file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy, Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). A copy of the agreement with Representative Schock is enclosed for your information.

If you have any questions, please contact Tanya Senanayake, the attorney handling this matter, at (202) 694-1571.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Y. Tran".

Lynn Y. Tran
Assistant General Counsel

Enclosure
Conciliation Agreement

1-800-444-0111

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2
3 In the Matter of)
4) MURs 6563 and 6733
5 Representative Aaron Schock)
6

7 **CONCILIATION AGREEMENT**
8

9 These matters were initiated by signed, sworn, and notarized complaints by the Campaign
10 Legal Center and Democracy 21 in MUR 6563 and by Eva Jehle in MUR 6733. The Federal
11 Election Commission ("Commission") found reason to believe that Representative Aaron Schock
12 ("Respondent") violated 52 U.S.C. § 30125(e).

13 NOW, THEREFORE, the Commission and the Respondent, having participated in
14 informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree
15 as follows:

16 I. The Commission has jurisdiction over the Respondent and the subject matter of this
17 proceeding, and this agreement has the effect of an agreement entered pursuant to 52 U.S.C.
18 § 30109(a)(4)(A)(i).

19 II. Respondent has had a reasonable opportunity to demonstrate that no action should be
20 taken in this matter.

21 III. Respondent enters voluntarily into this agreement with the Commission.

22 IV. The pertinent facts in this matter are as follows:

23 1. Aaron Schock was a member of the U.S. House of Representatives from the
24 18th Congressional District in Illinois and a candidate for reelection at the time of the events in
25 this matter.

26 2. The Campaign for Primary Accountability ("CPA"), an independent
27 expenditure-only committee registered with the Commission, broadcast advertisements in

1 support of Representative Adam Kinzinger in his primary election against Representative Don
2 Manzullo in the 16th Congressional District of Illinois on March 20, 2012.

3 3. Respondent, to raise funds for CPA to broadcast these advertisements, took the
4 following actions on or about March 14, 2012:

5 A. Respondent asked Representative Eric Cantor to contribute \$25,000 to
6 CPA. Respondent contends that he did so after he spoke with his counsel. Representative
7 Cantor's leadership PAC, Every Republican Is Crucial (ERICPAC), contributed \$25,000 to CPA
8 on March 15, 2012.

9 B. It was alleged that Respondent asked the 18th District Republican
10 Central Committee Federal Account ("18th District Committee"), a local political party
11 committee in the 18th Congressional District in Illinois, to contribute \$25,000 to CPA. The 18th
12 District Committee contributed \$25,000 to CPA on March 16, 2012.

13 4. The Federal Election Campaign Act of 1971, as amended ("the Act"), and
14 Commission regulations prohibit any federal candidate and any individual holding federal office
15 from soliciting funds in connection with an election for federal office unless the funds are subject
16 to the limitations, prohibitions, and reporting requirements of the Act. 52 U.S.C.
17 § 30125(e)(1)(A); 11 C.F.R. §§ 300.60, 300.61.

18 5. The Act limits contributions to non-authorized, non-party committees to
19 \$5,000 in any calendar year. 52 U.S.C. § 30116(a)(1)(C). This contribution limit does not apply
20 to contributions to independent expenditure-only committees under *Citizens United v. FEC*, 558
21 U.S. 310 (2010), and *SpeechNow.org v. FEC*, 599 F.3d 686 (D.C. Cir. 2010).

22 6. The Act's solicitation restrictions under 52 U.S.C. § 30125(e)(1)(A) remain
23 applicable to federal candidates and individuals holding federal office soliciting contributions

1-900-444-1344

1 from individuals and federal PACs. *See* Advisory Opinion 2011-12 (Majority PAC).
2 Accordingly, federal candidates and individuals holding federal office may not solicit
3 contributions in excess of \$5,000 from individuals and federal PACs to non-authorized, non-
4 party committees in connection with an election for federal office. *See* 52 U.S.C. §§ 30125(e),
5 30116(a).

6 7. The Commission defines "to solicit" to mean:

7 to ask, request, or recommend, explicitly or implicitly, that another person make a
8 contribution, donation, transfer of funds, or otherwise provide anything of value.
9 A solicitation is an oral or written communication that, construed as reasonably
10 understood in the context in which it is made, contains a clear message asking,
11 requesting, or recommending that another person make a contribution, donation,
12 transfer of funds, or otherwise provide anything of value. A solicitation may be
13 made directly or indirectly. The context includes the conduct of persons involved
14 in the communication. A solicitation does not include mere statements of
15 political support or mere guidance as to the applicability of a particular law or
16 regulation.

17
18 11 C.F.R. § 300.2(m).

19 V. 1. Respondent solicited a \$25,000 contribution from Representative Cantor to
20 CPA. Respondent violated 52 U.S.C. § 30125(e) by soliciting a contribution in excess of the
21 \$5,000 statutory limit.

22 2. In order to avoid the delay and expense of litigation, Respondent does not
23 admit but no longer contests that Respondent violated 52 U.S.C. § 30125(e) by soliciting a
24 contribution from the 18th District Committee to CPA in excess of the \$5,000 statutory limit.

25 3. The Commission did not find reason to believe that Respondent's violation of
26 the Act was knowing or willful.

27 VI. 1. Respondent will pay a civil penalty to the Commission in the amount of Ten
28 Thousand Dollars (\$10,000), pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondent will cease and desist in committing violations of 52 U.S.C.
§ 30125(e).

VII. The Commission, on request of anyone filing a complaint under
52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review
compliance with this agreement. If the Commission believes that this agreement or any
requirement thereof has been violated, it may institute a civil action for relief in the United States
District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have
executed same and the Commission has approved the entire agreement.

IX. Respondent shall have no more than 30 days from the date this agreement becomes
effective to comply with and implement the requirements contained in this agreement and to so
notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on
the matters raised herein, and no other statement, promise, or agreement, either written or oral,
made by either party or by agents of either party, that is not contained within this written
agreement shall be enforceable.

FOR THE COMMISSION:

Kathleen Guith
Kathleen Guith
Acting Associate General Counsel
for Enforcement

10-11-16
Date

1 FOR THE RESPONDENT:

2 Elliot S. Berke
3 Elliot S. Berke
4 Counsel for Respondent

7/14/16
Date

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